IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR
&
THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 10TH JANUARY 2007 / 20TH PAUSHA 1928

WA.No. 63 of 2007()

{IN W.P.(C)NO.6725/2006 OF THIS COURT}
.....

APPELLANT: PETITIONER

V.K.SREEJA LAKSHMY,
W/O.SURESH KUMAR, AGED 32, WORKING AS
HSA IN MALAYALAM PPMHS, KARAKKONAM,
NEYYATTINKARA.

BY ADV. SRI.J.S.AJITHKUMAR
SRI.SERGI JOSEPH THOMAS
SRI.ASOK.V.K.

RESPONDENTS:
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1. DISTRICT EDUCATIONAL OFFICER,
NEYYATTINKARA.

2. DEPUTY DIRECTOR OF EDUCATION,
NEYYATTINKARA.

3. DIRECTOR OF PUBLIC INSTRUCTION,
THIRUVANANTHAPURAM.

4. STATE OF KERALA, REPRESENTED BY
THE SECRETARY, DEPARTMENT OF GENERAL
EDUCATION, SECRETARIAT,
THIRUVANANTHAPURAM.

5. SARALA KUMARI, UPSA, PPMHS, KARAKONAM, NEYYATTINKARA.

6. THE MANAGER, PPMHS, KARAKONAM, NEYYATTINKARA.

BY ADV. SRI.P.PARAMESWARAN NAIR

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 10/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.A.ABDUL GAFOOR &
K.R.UDAYABHANU, JJ.

W.A.No.63 of 2007

Dated this the 10th day of January, 2007.

JUDGMENT

Abdul Gafoor, J.

It is true that the appellant/writ petitioner is working as Upper Primary School Assistant (Malayalam) since 16.10.2000 in the Upper Primary School managed by the 6th respondent. It is also true that a vacancy of High School Assistant (Malayalam) had occurred on 1.6.2004. It is also an admitted case that B.Ed. is an essential qualification for appointment as High School Assistant. Language teachers working in Upper Primary Schools are entitled to claim promotion to the post of High School Assistant, provided they are qualified. It is submitted that the appellant/writ petitioner had acquired B.Ed. degree in

the year 1995 from Manonmaniam Sundaranar University Thirunelveli, Tamil Nadu. But as is revealed by Ext.R5(a) Government Order dated 5.3.2004, B.Ed degree from Manonmaniam Sundaranar University, which is a week end degree course, shall not be accepted as an equivalent qualification to regular B.Ed degree course conducted in the State for the purpose of appointment to teaching posts.

2. Going by the provisions in Chapter XXXI Kerala Education Rules, the qualification prescribed for the post of High School Assistant is B.Ed degree conferred by any of the Universities in Kerala or recognised as an equivalent. Ext.R5(a) order dated 5.3.2004 reveals that the B.Ed degree possessed by the appellant/writ petitioner did not have any recognition or equivalence with the B.Ed degree, which is made mandatory in terms of the Rules in

Chapter XXXI of the Kerala Education Rules. Necessarily, Ext.R5(a) shall have to be applied, when the vacancy arose on 1.6.2004, in this case, is to be filled up.

Necessarily, the finding of the authorities and the learned single Judge, that in terms of Ext.R5 (a), the appellant/writ petitioner was not qualified for promotion is perfectly justified and it does not call for any interference.

Appeal fails, dismissed.

Sd/-
(K.A.ABDUL GAFOOR)
JUDGE

Sd/-
(K.R.UDAYABHANU)
JUDGE

sk/

//true copy//

P.S. To Judge.

K.A.ABDUL GAFOOR &
K.R.UDAYABHANU, JJ.

W.A.No.63 of 2007

JUDGMENT

10th January, 2007.